Petition

81-358

No.

Office Supreme Court, U.S.
FILED
AUG 17 1981
ALEXANDER L. STEVAS,
CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1981

CLARENCE WILLIAMS,

Petitioner,

vs.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

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QUESTION PRESENTED

Whether Petitioner was entitled to a Writ of Habeas Corpus directing and requiring the Department of Corrections of the State of Illinois to join in a motion to vacate the verdict of guilty by the jury and the judge to order the judgment expunged. It is expected that even the prosecutor must act in good faith when he finds and ascertains the record is false and perjured and that the witness lied!

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In the Supreme Court of the United States

OCTOBER TERM, 1981

NO.

CLARENCE WILLIAMS,

Petitioner,

VS.

PEOPLE OF THE STATE OF ILLINOIS,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT

JURISDICTIONAL STATEMENT

The jurisdiction of this Court is invoked 28 U.S.C. Section 1292, and Rule 19 of the Supreme Court Rules of the United States.

STATEMENT OF THE CASE

Petitioner seeks an order of court requiring and directing the Circuit Court of Cook County, Criminal Division, to vacate the order sentencing Clarence Williams three to ten years in connection with a charge of aggravated battery, and attempted murder with respect to an individual juvenile by the name of Darnell Spann, based on false evidence.

A reversal of the trial court's order is sought because the witnesses that testified that they saw Clarence Williams fire the shot, have now confessed, pursuant to affidavit, that the statement they made to the State's Attorney was the result of being "goaded" by the State's Attorney, and that the statements are false and untrue and a lie.

As further ground for this Petition of Certiorari, Petitioner calls the attention of the Court to the United States Supreme Court's decision of *Napue* v. *Illinois,* 360 U.S. 264, 3 L.Ed.2d 1217, 79 S.Ct. 1173.

Defendant was sentenced to serve not less than two nor more than 6 years in the Illinois State Penitentiary.

At the trial the testimony was adduced that one of the witnesses, a juvenile went to his girl friend's house, could not get through the front entrance, proceeded to the back of the building where in order to gain access it was necessary for him to climb over a fence.

During the trial, Defendant's counsel made a motion to dismiss the proceeding, since the Assistant State's Attorney of Cook County, Robert Hoffman was leading the witness, Darnell Spann, age 16 years old, when he interrogated him both before the grand jury, as well as at the trial, concerning the incident that took place November 10, 1974.

The question prepounded to the witness was designed to elicit specific testimony that would cause the jury to indict Clarence Williams for alleged crimes that he never committed.

In order that the Court may become apprised of the tactics of the State's Attorney, the following questions and answers are submitted for the Court's perusal:

Q. Will you give your name, please?

A. Darnell Spann.

Q. Darnell, on November 10, 1974, you were in the area of 129 South Oakley, Chicago, Cook County, Illinois. Is that correct?

A. Yes, sir.

Q. At that date, you and two other friends went to see a girl, is that correct?

A. Yes, sir.

Q. And to go to see her you had to climb a fence. The gate was locked, and you had to climb a fence, is that correct?

A. The front door was locked, so my friend was going to climb the fence to open the door for us.

Q. As you attempted to climb the fence, the man later identified as Clarence Williams began shooting and he hit you, is that correct?

A. He shot at one of my friends who was on the fence and he shot me in the arm.

Q. You told me he shot at several of your friends, Mr. Johnson, and the shot hit you?

A. Yes, sir.

Q. And you had known the Defendant, Clarence Williams previously, is that correct?

A. Yes, sir.

Q. As a result of this shooting you suffered scars and disfigurement, is that correct?

A. I didn't understand.

Q. You have a scar on your arm as a result of the shooting, is that correct?

A. Yes, sir.

Both the grand jury and the jury were convinced, after this type of questioning and leading the witness. They found the Defendant guilty.

A motion to strike and dismiss was heard before the Honorable Mark Jones, as a preliminary matter; and subsequently was heard in the Maywood Center, in Maywood, by an entirely different judge.

The Court's attention is called to the fact that the statements made by the State's Attorney to the grand jury, are the same statements that are made before the jury in the "Maywood Center."

Q. As you attempted to climb the fence, the man later identified as Clarence Williams began shooting and he hit you, is that correct?

A. He shot at one of my friends who was on the fence and he shot me in the arm.

Q. You told me he shot at several of your friends Mr. Johnson, and the shot hit you?

A. Yes, sir.

Q. And you had known the Defendant, Clarence Williams previously, is that correct?

A. Yes, sir.

Q. As a result of this shooting you suffered scars and disfigurement, is that correct?

A. I didn't understand.

Q. You have a scar on your arm as a result of the shooting, is that correct?

A. Yes, sir.

Both the Grand Jury and the jury were convinced, after this type of questioning and leading the witness, in the interrogation. The result of this type of interrogation was a finding of guilty.

A motion to strike and dismiss was heard in the Maywood Center, in Maywood and denied.

The Defendant was freed on a $30,000.00 bond posted by the employer.

At the trial of the case, the State's attorney repeats the same leading questions, over the objection of counsel for the Defendant and elicits by this leading question information that is beneficial to the State over the objection of the Defendant.

During the course of the trial, the State produced photographs of the basement area and the porch from which the Defendant is alleged to have shot Darnell Spann; no evidence is alleged as to the time of the day pictures were taken but the shooting occurred at 7 p.m. when it is dark even in the spring of the year. The party taking the pictures was not present to testify. An objection is made and overruled.

ARGUMENT

POINT ONE

PETITIONER WAS ENTITLED TO A WRIT OF HABEAS CORPUS DIRECTING AND REQUIRING THE DEPARTMENT OF CORRECTIONS OF THE STATE OF ILLINOIS TO JOIN IN A MOTION TO VACATE THE VERDICT OF GUILTY BY THE JURY AND THE JUDGE TO ORDER THE JUDGMENT EXPUNGED. IT IS EXPECTED THAT EVEN THE PROSECUTOR MUST ACT IN GOOD FAITH WHEN HE FINDS AND ASCERTAINS THE RECORD IS FALSE AND PERJURED AND THAT THE WITNESSES LIED.

The affidavit executed by the witness is incorporated in the Petition for Certiorari that was executed by the witness who testified falsely that he saw Clarence Williams fire the gun. The affidavit was executed at the free will of Terry Dixon who states specifically, *"I further certify that I have not received anything of Clarence Williams to make this affidavit, and I am making this affidavit of my own free will.*

The decision of the United States Supreme Court in *Napue* v. *Illinois,* 360 U.S. 264, 3 L. Ed. 1217, 79 S. Ct., 1173, decided June 15, 1959, specifically states: "a lie is a lie." Furthermore, the case held that the state may not knowingly use false testimony to obtain a tainted conviction.

That under the circumstances, the state cannot "goad" the witness into falsely testifying that he saw the Petitioner fire the shot, *when in truth and in fact there was no such evidence.*

That eliminating the testimony of witnesses since both witnesses have since executed the affidavits that they lied, there was no direct evidence before the jury to convict Clarence Williams. The Court under the case of *Napue*, Ibid., on pages 12, 22, states specifically that the court has no duty to make its "own independent examination of the record, when federal constitutional deprivations are alleged. The case further states that where there is a claim of denial of "rights" under the constitution, the Supreme Court is not bound by the conclusions of lower courts decisions and will re-examine necessary evidentiary conclusions as to whether they are well founded.

In the *Napue* case, which is exactly on all fours with the case at bar, the court specifically says "our record compelled us to hold that false testimony used by the state may have had an effect on the outcome of the trial". That is exactly what occurred in the case at bar. The two juveniles testified that Clarence Williams was guilty after subsequently admitting by affidavits that the testimony is false. Under these circumstances, the Petition for Certiorari should have been granted. Without question the court abused its discretion in its denial of the writ of habeas corpus. The rights of Petitioner were further denied by the presiding judge in the trial court, when an objection was made to the introduction of photographs being made part of the record. The judge ordered that the file of photographs be made part of the record, but would "not permit the jury to examine them." The photographs clearly indicate that you could not see from the street where there was a fence back to the porch at approximately five o'clock in the afternoon, when the witness testified that he saw Clarence Williams fire the shot through the fence and later admitted that it was a lie.

The Petition is further supported by the case of *Whitley* v. *Warden of Wyoming Penitentiary*, 401 U.S. 560, 28 L.Ed.

2nd, 306, 91 S.Ct. 131. In that case, the Court specifically held that Petitioner's arrest violated his constitutional rights under the Fourth and Fourteenth Amendments. Evidence secured as an incident thereto should have been executed from his trial. *Mapp* v. *Ohio,* 367 U.S. 643, 6 L.Ed., 3d, 1083. In that case the court, pursuant to authority under 28 U.S.C. Section 2106 reversed the judge of the Tenth Circuit and ordered the issuance of the Writ of Habeas Corpus unless the state made appropriate arrangements to re-try the Petitioner. *Giordenello* v. *United States,* 357 U.S. 480, at 487-488, 2 L.Ed., 1503 at 1510.

The arresting officer, according to the record, stated that Terry Dixon stated he saw Clarence Williams fire the shot, when in truth and in fact he later signed an affidavit that it was a lie. *No other evidence outside of the two juveniles, both of whom confessed that they signed false affidavits was ever adduced at the trial.*

Under these circumstances, Petitioner, Clarence Williams is entitled to have either the Writ of Habeas Corpus issue or that an order issue from this court exonerating Clarence Williams or that he be re-tried.

As the record shows, the juveniles ran after the jury, attempting to convince that Clarence Williams was guilty and later executed affidavits that it was a lie. This certainly must convince this court an injustice is being done to Clarence Williams and his rights are being violated under the Fourteenth Amendment to the Constitution due to a lack of due process. In addition thereto, in accordance with the *Napue* case, "a state may not knowingly use false testimony, "which is the exact principle that is involved in this case. That as a matter of public policy, the State' attorney must become cognizant of the fact that if false testimony is used, the Defendant is entitled to be exonerated.

There is no question that the jury was not apprised of any other factors to indicate that Clarence Williams had fired the shot that purportedly wounded Darnell Spann.

The record reflects that the building where the incident took place is on the West Side of Chicago and is not the "Gold Coast," and that any one of the tenants in a large apartment building, seeing someone climb over the fence might take a shot at him.

CONCLUSION

This Court is called upon to grant the Petition for Certiorari to prevent the injustice of having "an innocent man" from being incarcerated for a crime he did not commit and which there is no evidence to prove that a crime was committed.

The only evidence, as indicated in the Petition, is a statement of the juveniles who confessed that their identification of Clarence Williams as having fired the shot is false and untrue.

The Court must bear in mind that Darnell Spann was the individual who was wounded and yet he confessed that his testimony was a "lie."

Respectfully submitted,

WILLIAM HENNING RUBIN
Attorney for Petitioner

LAW OFFICES OF:
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263-6780

APPENDIX

APPENDIX

Number .....

TO THE
SUPREME COURT OF ILLINOIS

Appellate No. 76-1632

PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff

vs.

CLARENCE WILLIAMS,
Defendant

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

TERRY DIXON, being on oath duly sworn, deposes and says that:

1. I am a resident of the City of Chicago, County of Cook, State of Illinois.

2. That at the trial of Clarence Williams' case in the Municipal Court held in Maywood, Illinois, I testified as a witness at the hearing on Clarence Williams was charged with assault and battery.

3. That the State's Attorney at the trial led me into testifying that I saw Clarence Williams shoot a gun at Darnell L. Spann.

4. That this statement that I saw Clarence Williams do the shooting is false and incorrect.

5. I further certify that I have not received anything from Clarence Williams to make this affidavit; and I am making this affidavit on my own free will.

AFFIANT FURTHER SAITH NAUGHT.

/s/ Terry Dixon

SUBSCRIBED AND SWORN TO
before me this 4th day
of September, 1979.

/s/ William H. Rubin
Notary Public

Exhibit "A"

APPENDIX A

DOCKET ENTRIES

DATE	PROCEEDINGS
6-10-80	Enter order dated June 10, 1980; Pursuant to memorandum opinion and order entered this day, respondents' motion to dismiss is granted.
	(DRAFT) — Mc GARR, J.
	Mailed notices 6-10-80 (JS-6)
	Mailed 6-10-80 copy of draft. hd
6-10-80	Enter 6-10-80 Judgment pursuant to Rule 58— by the Clerk. hd
6-17-80	Filed 6-16-80 Plaintiff's Notice; Motion to vacate order of June 10, 1980, with affidavit of William Henning Rubin, and attachments.
6-17-80	Enter order dated June 16, 1980: Petitioner's motion to vacate order of dismissal of June 10, is denied.—McGARR, J.
	Mailed notices 6-17-80 hd
6-20-80	Filed 6-19-80 Plaintiff's Notice of Appeal. ($70.00 pd) hd
6-20-80	Mailed 6-20-80 Copy of Notice of Appeal to Thomas C. Crooks. hd
6-20-80	Forwarded 6-20-80 Copy of Notice of Appeal, Information Sheet, copy of docket, to the U. S. C. A., 7th Cir. hd

6-24-80	Forwarded 6-24-80 Copy of Notice of Appeal, along with copy of docket to Judge McGarr re: ruling on a certificate of probable cause. hd
7-3-80	Enter order dated July 2, 1980: The court has found that petitioner has not exhausted his available state remedies. Accordingly, the court finds that no certificate of probable cause should issue. McGARR, J.
	Mailed notices 7-3-80 hd
7-3-80	Certified and transmitted 7-3-80 the Record on Appeal to the U. S. C. A., 7th Cir. consisting of one (1) volume of pleadings. hd

APPENDIX B

80 C 972
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CLARENCE WILLIAMS,

Petitioner

vs

STATE OF ILLINOIS

Respondent

MOTION TO VACATE
ORDER
OF JUNE 10, 1980

NOW COMES CLARENCE WILLIAMS, Petitioner, by WILLIAM HENNING RUBIN, his attorney, and moves the Court as follows:

1. That the order entered June 10, 1980 denying the issuance of habeas corpus be vacated, pursuant to the following decisions:

IN RE WINSHIP, 397 U.S. 358, 90 S Ct 1068, and JACKSON vs. VIRGINIA, 99 S Ct 2781 (1979). Special attention is called to Jackson vs. Virginia, ibid, wherein the Court stated:

> "A federal habeas corpus court must consider not whether there was any evidence to support state court conviction, but whether there was sufficient evidence to justify a rational trier of fact to find guilt beyond reasonable doubt."

That no decision can be properly considered when the crucial witness admits that what he stated was a lie.

2. That in further support of this Motion the Petitioner says as follows:

3. That Petitioner has exhausted all of his state remedies in his cause, including the state vacation of the order by the State Supreme Court staying the mandate pending an appeal to the United States Supreme Court.

4. That in accordance with PETITIONER'S Motion that stay was vacated.

5. That this Motion to vacate the order of June 10, 1980 is made to this Court pursuant to the decision under a Supreme Court in Jackson vs. Virginia 99 S.Ct. 278 (1979) where the Supreme Court held (Page 2783-4):

> "A federal habeas corpus court must consider not whether there was any evidence to support a state-court conviction but whether there was sufficient evidence to justify a rational trier of fact to find guilt beyond a reasonable doubt. In re Winship 297 U.S. 358, 90 S Ct 1068, 25 L Ed 2d 368, Pp 2786-2792.
>
> "(a) In re Winship presupposes as an essential of the due process guaranteed by the Fourteenth Amendment that no person shall be made to suffer the onus of a criminal conviction except upon sufficient proof—defined as evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense. Pp. 2786-2788.
>
> "(b) After In re Winship, the critical inquiry on review of the sufficiency of the evidence to support a criminal conviction must be not simply to determine whether the jury was properly instructed on reasonable doubt, but to determine whether the record evidence could reasonably support a finding of guilt beyond a reasonable doubt. The relevant question is whether after viewing the evidence in the light most

favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. The Thompson 'no evidence' rule is simply inadequate to protect against misapplications of the constitutional standard of reasonable doubt. pp. 2788-2790.

"(c) In a challenge to a state conviction brought under 28 U.S.C. 2254, which requires a federal court to entertain a state prisoner's claim that he is being 'held in custody in violation of the Constitution or laws of the United States,' the applicant is entitled to habeas corpus relief if it is found that upon the evidence adduced at the trial no rational trier of fact could have found proof of guilt beyond a reasonable doubt. PP 2790-2792."

6. That the case at bar is on all fours with the Jackson Case, since the crucial witness has admitted that he *lied*. That under these circumstances the Court is obligated to either render a decision freeing the petitioner or in the alternative to hold an evidentiary hearing.

7. There is no question that the jury that found Petitioner Clarence Williams guilty would not have rendered that decision unless the witness testified that he saw Clarence Williams fire the shot.

8. That since the witness has now admitted that he lied, there is only one alternative and that is to free the petitioner.

9. That Petitioner's empolyer has posted a $30,000 surety bond for his appearance (Cash bond $3000) to ensure his availability and this bond should remain in full force and effect until petitioner has exhausted all of his rights.

WHEREFORE, PETITIONER MOVES That the order entered on June 10, 1980 be vacated and held for naught.

PETITIONER FURTHER MOVES That the Bond posted in the State Court in the sum of $30,000 (Cash bond $3000) shall remain as surety during the pendency of these proceedings until all of the rights of Petitioner have been exhausted.

PETITIONER FURTHER MOVES That he may have such further relief as the Court may deem proper.

CLARENCE WILLIAMS
Petitioner
By */s/ William Henning Rubin*
William Henning Rubin

WILLIAM HENNING RUBIN
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263-6780

APPENDIX C

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Name of Presiding Judge, Honorable Frank J. McGarr

Cause No. 80 C 972 Date 7/2/80

Title of Cause—CLARENCE WILLIAMS v. STATE OF ILLINOIS, et al.

The court has found that petitioner has not exhausted his available state remedies. Accordingly, the court finds that no certificate of probable cause should issue.

/s/ Frank J. McGarr

Judge

APPENDIX D

AFFIDAVIT

DARNELL SPANN, being on oath duly sworn, deposes and says:

1. That he is the individual that was shot at 129 South Oakley Boulevard, Chicago, Illinois, on the 10th day of November, 1974.

2. That it is his opinion that the shot was fired by someone other than Clarence Williams and that Clarence Williams was not on the premises at the time of the shooting.

Affiant further sayeth naught.

/s/ Darnell Span
DARNELL SPANN

Subscribed and Sworn to
before me this first day of
July, 1981.

/s/ William H. Rubin
Notary Public
(Seal)

APPENDIX E

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604
May 20, 1981

Before
Hon. Wilbur F. Pell, Jr., Circuit Judge
Hon. Robert A. Sprecher, Circuit Judge

CLARENCE WILLIAMS,

Petitioner-Appellant,

No. 80-1919 vs.

STATE OF ILLINOIS and DEPARTMENT OF CORRECTIONS of the State of Illinois,

Respondent-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 80-C-0972
Judge Frank J. McGarr

This matter comes before the court for its consideration on the filing of a request by petitioner-appellant for issuance of a certificate of probable cause pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure.

A careful review of the entire record transmitted to this court in this matter does not reveal a substantial issue for review on appeal; therefore, for the reasons stated in the district court orders of June 10, 1980, and July 3, 1980, the Honorable Wilbur F. Pell, Jr., Circuit Judge, and the Honorable Robert A. Sprecher, Circuit Judge, hereby REFUSE to issue a certificate of probable cause.

APPENDIX F

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604
June 19, 1981.

Before
Hon. Wilbur F. Pell, Jr., Circuit Judge

CLARENCE WILLIAMS,

Petitioner-Appellant,

No. 80-1919 vs.

STATE OF ILLINOIS and DEPARTMENT OF CORRECTIONS of the State of Illinois,

Respondent-Appellees.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.
No. 80-C-0972
Judge Frank J. McGarr

On consideration of the "MOTION FOR RECALL OF MANDATE" filed herein on June 15, 1981, by counsel for the petitioner-appellant,

IT IS ORDERED that said motion is hereby DENIED.

APPENDIX G

Appellant called the attention of the Court to decision rendered in Eighth Circuit in *Jensen* v. *Winston Satran, Warden,* 651 F.2d 605 where the Court held that State prisoner (Appellant) was entitled to evidentiary hearing where there was factual dispute. Decision rendered 623 (1981).

Opposition

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81-358

No. 80-

In the Supreme Court of the United States

OCTOBER TERM, 1981

CLARENCE WILLIAMS, PETITIONER,

vs.

PEOPLE OF THE STATE OF ILLINOIS, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI

BRIEF FOR RESPONDENT IN OPPOSITION

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Printed by the Authority of the State of Illinois — 8-7-81

QUESTION PRESENTED FOR REVIEW

The question presented for review cannot be adequately ascertained from the petition.

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In the Supreme Court of the United States

OCTOBER TERM, 1981

CLARENCE WILLIAMS, PETITIONER,

VS.

PEOPLE OF THE STATE OF ILLINOIS, RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI

BRIEF FOR RESPONDENT IN OPPOSITION

JURISDICTION

The jurisdictional requisites are not adequately set forth in the petition. Petitioner's failure to properly invoke this Court's jurisdiction is treated more fully in the argument portion of this brief.

STATUTE INVOLVED

United States Code, Title 28, Section 1257

§ 1257. State courts; appeal; certiorari

Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity.

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity.

(3) By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where the validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right, privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States.

For the purposes of this section, the term "highest court of a State" includes the District of Columbia Court of Appeals.

REASONS FOR DENIAL OF THE WRIT

The entire Jurisdictional Statement of petitioner reads as follows: "The jurisdiction of this Court is invoked [*sic*] 28 U.S.C. Section 1292, and Rule 19 of the Supreme Court Rules of the United States." This jurisdictional statement is wholly inadequate. Moreover, the petition in numerous other respects fails to comply with this Court's rules governing petitions for writs of certiorari.

Respondent is at a loss to understand how petitioner seeks to found this Court's jurisdiction upon 28 U.S.C. § 1292. Section 1292 governs interlocutory decisions appealed to the United States Court of Appeals. Further, while Supreme Court Rule 19 is relevant to certiorari jurisdiction, it governs

only how the writs are sought and determination of parties. In this regard, it should be noted that the present petition contains no proof of service required by Rule 19(3).

Finally, the petition fails to contain, pursuant to Rule 21, the following:

> 1. The date and time of entry of the judgment or decree sought to be reviewed [Rule 21(1)(e)(i)];
>
> 2. A verbatim designation of the statutes and constitutional provisions involved in the case [Rule 21(1)(g)];
>
> 3. Specification of when, where and how federal questions sought to be reviewed were raised and ruled upon in the state courts [Rule 21(1)(h)];
>
> 4. A copy of the judgment or decree sought to be reviewed or any opinions, orders, findings of fact, or conclusions of law that may have been delivered upon the rendering of the judgment [Rule 21(1)(k)(i) and (iii)];
>
> 5. A clear presentation of facts essential to a ready and adequate understanding of the points sought to be reviewed [Rule 21(5)].

Indeed, the petitioner does not even state to which court he seeks to have the writ issue,* or whether its judgment was final as required by 28 U.S.C. § 1257. Particularly where an attorney has drafted the petition, its inadequacies compel denial of the writ.

---

* The petition is entitled "Petition for Writ of Certiorari to the United States Supreme Court."

CONCLUSION

For the foregoing reasons, respondent respectfully requests that this Court deny the Petition for a Writ of Certiorari.

Respectfully submitted,

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